IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 7TH NOVEMBER 2006 / 16TH KARTHIKA 1928

WP(C).No. 25598 of 2006(V)

PETITIONER:

ASHALATHA. A., AGED 33 YEARS,
D/O.DAMODARAN NAIR T.C., MANIKARMIKA,
RAVANESHWARAM P.O., PALLIKKARA,
KASARAGOD DISTRICT.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTS:

---

1. KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM.

2. THE SECRETARY TO THE GOVERNMENT
DEPARTMENT OF GENERAL EDUCATION,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.T.T.MUHAMOOD
SRI.P.C.SASIDHARAN, SC, PSC.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/11/2006, ALONG WITH WPC NO. 25325 OF 2006, THE COURT ON 07/11/2006 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the relevant portion of the advertisement published on 30.11.2005 in the Mathrubhoomi daily.

Ext.P2: True copy of degree certificate issued by the Calicut University dated 22.9.99.

Ext.P3: True copy of M.A.certificate issued by the Calicut University dated 22.9.2005.

Ext.P4: True copy of the B.Ed. Degree certificate issued by IGNOU dated 31.5.2005.

Ext.P5: True copy of the statement of marks issued by IGNOU dated 31.3.2005.

Ext.P6: True copy of the certificate issued by Calicut University showing that NCTE and the Universities in Kerala have recognized the B.Ed. Degree awarded by the IGNOU dated 3.8.2006.

Ext.P7: True copy of the certificate of State Eligibility test held on 21st December 2002.

Ext.P8: True copy of the admission ticket issued to the petitioner.

Ext.P9: True copy of the memo dated 13.9.2006 rejecting the application of the petitioner.

// True copy //

P.A. To Judge

jes

A.K.BASHEER, J.

W.P.(C)Nos.25598 & 25325 OF 2006

Dated this the 7th day of November, 2006

JUDGMENT

Since the issue involved in these two writ petitions is identical, they are being disposed of by this common judgment.

2. The short question that arises for consideration is whether the Kerala Public Service Commission is justified in rejecting the application submitted by the petitioners for selection to the post of Higher Secondary School Teacher in Sociology on the ground that the B.Ed. Degree obtained by them from Indira Gandhi National Open University (for short 'IGNOU') cannot be treated as the requisite qualification to hold the post of HSST is legally valid or sustainable.

3. Admittedly, petitioners who are Post Graduates in Sociology had obtained B.Ed. Degree from IGNOU. Though the applications submitted by them for appointment to the above post were entertained and they were allowed to participate in the written examination, later the Commission informed them that the B.Ed. Degree obtained from IGNOU cannot be accepted as a requisite qualification, since it was not obtained through a regular course of

study. The Commission had issued respective memos to this effect informing the petitioners that they would not be considered for selection for the above reason.

4. The issue is squarely covered in favour of the petitioners in view of the various judgment of this court. (**Mujeeb Rahman v. State of Kerala [2005 (1) KLT 680], State of kerala v. Suja Kumari [2006 (1) KLT 846],** etc.) It has been held by this court that no distinction can be made between the degree obtained through regular course of study and through Distance Education Programme if the said qualification has been recognised by any of the Universities in Kerala. Indisputably, University of Calicut has certified that the B.Ed. (2 year) degree offered by IGNOU is equivalent to the B.Ed. Degree of the Calicut University. Similarly, the Kannur University and Mahatma Gandhi University have also recognised the B.Ed. Degree of IGNOU as equivalent to the degree offered by them. More importantly, the Government of Kerala by communication dated April 30, 2005 had informed the Director of Public Instruction that the certificates, degrees and diplomas awarded by IGNOU are to be treated as equivalent to the corresponding degrees/diplomas of the Universities of the State.

Therefore, the Director was informed by the Government to issue appropriate directions to all subordinate officers to consider the above degree/diploma holders from IGNOU for appointment to the teaching post. A copy of the said communication issued by the Government is on record as Ext.P11 in W.P.(C)No.25325/06. The equivalency certificates issued by the Universities of Calicut, Kerala, Kannur and Mahathma Gandhi are also on record as Ext.P6 to P10 in this writ petition.

5. Therefore the respective memos issued to the petitioners rejecting their applications are quashed. The Commission shall include the petitioners in the short list for selection to the post of HSST (Sociology), if they are not otherwise ineligible and shall invite them for interview forthwith. In the event of their selection, petitioners shall be included in the list at the appropriate slots in accordance with the marks obtained by them in the written test as well as in the interview.

Writ petitions are disposed of as above.

A.K.BASHEER, JUDGE

jes